

## FIFTY-SEVENTH DAY

(Thursday, April 12, 1945)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

Aikin	Moffett
Brown	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Weinert
Mauritz	York
Metcalf	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## Leaves of Absence Granted

Senators Spears, Kelley and Winfield were granted leaves of absence for today on account of important business on motion of Senator Aikin.

Senator Bullock was granted leave of absence for today on account of a death in his family on motion of Senator Aikin.

## Reports of Standing Committees

Senator Vick submitted the following reports:

Austin, Texas,  
April 11, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 43, have had the same under consideration and I am instructed to report it back to the Senate with recommendation that the original bill do not pass but that the Committee Substitute attached hereto do pass in lieu thereof and be printed.

VICK, Chairman.

C. S. H. B. No. 43 was read first time.

Austin, Texas,  
April 11, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 98, have had the same under consideration and I am instructed to report it back to the Senate with recommendation that the original bill do not pass but that the Committee Substitute attached hereto do pass in thereof and be printed.

VICK, Chairman.

C. S. H. B. No. 98 was read first time.

Austin, Texas,  
April 11, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 358, have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

VICK, Chairman.

Austin, Texas,  
April 11, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 303, have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass and be not printed.

VICK, Chairman.

Senator Stone submitted the following reports:

Austin, Texas,  
April 12, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred H. B. No. 150, have had same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Austin, Texas,  
April 11, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, the Committee on Bank-

ing, to whom was referred H. B. No. 431, have had same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,  
April 11, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 304, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 11, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 455, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 11, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 251, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that the original bill do not pass but that the Committee Substitute do pass in lieu hereof and be printed.

LANE, Chairman.

C. S. S. B. No. 251 was read first time.

Austin, Texas,  
April 11, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 267, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that the original bill do not pass but that

the Committee Substitute do pass in lieu thereof and be printed.

LANE, Chairman.

C. S. S. B. No. 267 was read first time.

Senator Chadick submitted the following report:

Austin, Texas,  
April 11, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, the Committee on Counties and County Boundaries, to whom was referred H. B. No. 507, have had same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

CHADICK, Chairman.

Senator Martin submitted the following reports:

Austin, Texas,  
April 12, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments to whom you referred H. J. R. No. 2, by Moore, et al, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but Committee Substitute in lieu thereof do pass and be printed.

MARTIN, Chairman.

C. S. H. J. R. No. 2 was read first time.

Austin, Texas,  
April 12, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments to whom you referred H. J. R. No. 13, by Sharpe, et al, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it not pass, but Sub-Committee Substitute in lieu thereof do pass.

MARTIN, Chairman.

C. S. H. J. R. No. 13 was read first time.

Austin, Texas,  
April 12, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Con-

stitutional Amendments to whom you referred H. J. R. No. 49, by Colson, et al, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the attached Committee Amendments and be printed.

MARTIN, Chairman.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 12, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 11, Requesting the Texas Members of Congress and United States Senators from Texas to submit a bill providing that Fort Ringgold and Fort Clark, together with all lands belonging thereto be transferred to the State of Texas for use in eleemosynary service.

S. C. R. No. 27, Relating to accomplishments of the Texas Cotton Research Committee.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Committee Substitute House Bill 23 on Passage to Third Reading

The President laid before the Senate, as unfinished business, on its passage to third reading (the bill having been read second time on March 29, 1945):

C. S. H. B. No. 23, A bill to be entitled "An Act requiring every group of individuals, society, associations, or corporation transacting the business of life insurance, accident insurance, life and accident insurance, or health and accident insurance for profit, or for mutual benefit, or protection in this State on or before the 1st day of March of each year to file its annual statement with the Board of Insurance Commissioners showing the gross amount of premium collected during the year ending December 31, preceding, from persons residing or domiciled in this State upon policies of insurance; levying taxes upon the gross premium receipts as reflected by such reports; providing that the taxes so levied shall constitute all the taxes and license fees

collectible, except certain enumerated fees, and prohibiting the levying and collecting of any taxes against any such insurance organization other than ad valorem taxes by any county, city, or town; etc., and declaring an emergency."

With the following amendment by Senator Moore pending:

Amend House Bill No. 23 by inserting immediately after the words and figures "Section 1," the following:

"Should Article 7064a or 4769, Revised Civil Statutes of Texas 1925, for any reason be invalid or void, the following insurance organizations shall owe, from the date of the passage of this Act, in lieu of such taxes provided by such Articles, the taxes hereinafter levied, and such shall be calculated and paid in the manner hereinafter provided as follows:"

And by substituting in lieu of Section 4, a new "Section 4," reading as follows:

"Section 4. Should any insurance organization pay taxes under Articles 7064a and 4769, Revised Civil Statutes of Texas 1925, it shall not be liable for penalties or interest for failure to pay under this Act, but shall be liable for all taxes levied by this Act from the effective date thereof."

(Senator Weinert in the Chair)

Senator Graves moved to table the amendment.

Yeas and nays were demanded, and the motion was lost by the following vote:

#### Yeas—11

Chadick	Parrish
Graves	Ramsey
Jones	Stanford
Knight	Stone
Moffett	York
Morris	

#### Nays—16

Aikin	Mauritz
Brown	Metcalfe
Carney	Moore
Crawford	Shivers
Hazlewood	Sulak
Lane	Taylor
Lanning	Vick
Martin	Weinert

#### Absent—Excused

Bullock	Spears
Kelley	Winfield

Question recurring on the amendment, it was adopted.

Senator Shivers offered the following amendment to the bill:

Amend House Bill No. 23 by striking out in lines 11 and 12, page 2, of the printed bill the following: "three and two-tenths (3.2%) per cent" and substituting in lieu thereof "three and six tenths (3.6%) per cent" and by striking out all of lines 34 through 58 on page 2 of the printed bill and substituting in lieu thereof the following: be three (3%) per cent of such gross premium receipts; if the report shows such insurance organization had invested in such Texas securities on such date an amount which is in excess of eighty (80%) per cent and not more than eighty-five (85%) per cent of the amount that it had invested in similar securities in the state in which it then had the highest percentage of its admitted assets invested, its tax shall be two and seventy-five one-hundredths (2.75%) per cent of such gross premium receipts; if the report shows such insurance organization had invested in such Texas securities on such date an amount which is in excess of eighty-eight (88%) per cent of the amount that it had invested in similar securities in the state in which it then had the highest percentage of its admitted assets invested, its tax shall be two and twenty-five one hundredths (2.25%) per cent of such gross premium receipts; if the report shows such insurance organization had invested in such Texas securities on such date an amount which is in excess of eighty-eight (88%) per cent and not more than ninety (90%) per cent of the amount that it had invested in similar securities in the state in which it then had the highest percentage of its admitted assets invested, its tax shall be one and seventy-five one hundredths (1.75%) per cent of such gross premium receipts; if the report shows such insurance organization had invested in such Texas securities on such date an amount which is in excess of ninety (90%) per cent of the amount that it had invested in similar securities in the state in which it then had the highest percentage of its admitted assets invested, its tax shall be one and one-tenth (1.1%) per cent of such gross premium receipts; provided, however . . .

SHIVERS  
METCALFE

Senator Moore offered the following substitute for the amendment:

Amend C. S. H. B. No. 23 by adding thereto a new section reading as follows:

"In addition to all other taxes, insurance organizations shall pay a tax of  $\frac{1}{2}$  of 1% the gross premiums on all policies written in Texas in excess of \$100,000,000.00. The face value of the policy shall be used to determine the amount of such insurance."

Senator Shivers raised a point of order against consideration of the substitute on the ground that it is not a proper substitute for the amendment.

The Presiding Officer overruled the point of order.

Senator Shivers then moved to table the substitute.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—19

Carney	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Knight	Taylor
Lane	Vick
Martin	Weinert
Mauritz	York
Metcalfe	

Nays—7

Aikin	Moore
Brown	Morris
Lanning	Sulak
Moffett	

Absent

Chadick

Absent—Excused

Bullock	Spears
Kelley	Winfield

Question—Shall the amendment by Senator Shivers be adopted?

Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 12, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. J. R. No. 7, Providing that members of the armed forces, during a nationally declared emergency, may vote without the payment of poll taxes. With amendment.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Message from the Governor

Austin, Texas,  
April 11, 1945.

To the Senate of the Forty-ninth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Public Weigher in and for Lubbock County for a two year term to expire April 12, 1947:

W. R. Milroy of Lubbock County.

To be Branch Pilot for the Nueces County Navigation District for a two year term to expire April 10, 1947:

Carl Joseph Bromley of Nueces County.

To be Presiding Judges of the Administrative Judicial Districts:

District No. 2, Judge Max M. Rogers of Huntsville, Walker County.

District No. 3, Judge Roy C. Archer of Austin, Travis County.

District No. 5, Judge L. Broeter of Alice, Jim Wells County.

District No. 6, Judge Ballard Caldwell of El Paso, El Paso County.

District No. 7, Judge O. L. Parish of Ballinger, Runnels County.

District No. 8, Judge George L. Davenport of Eastland County.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,  
April 12, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic to whom was referred H. B. No. 56, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

METCALFE, Chairman.

Austin, Texas,  
April 12, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Veterans' Affairs to whom was referred H. B. No. 417, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Chairman.

Austin, Texas,  
April 12, 1945.

Hon. John Lee Smith, President of the Senate.

We, your Committee on Counties and County Boundaries to whom was referred H. B. No. 284, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHADICK, Chairman.

Austin, Texas,  
April 11, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Institutions and Departments to whom was referred H. B. No. 105, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHADICK, Chairman.

Austin, Texas,  
April 12, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 385, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman.

Austin, Texas,  
April 12, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, the Committee on Public Lands and Land Office, to whom was referred H. B. No. 719, have had same under consideration, and we wish to report it back to the Senate with the

recommendation that it do pass and be not printed.

HAZLEWOOD, Chairman.

### House Bill 84 Set as Special Order

Senator Morris moved that H. B. No. 84 be set as a special order for Wednesday, April 18, 1945, immediately following the morning call.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Moffett
Brown	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Weinert
Mauritz	York
Metcalfe	

#### Absent—Excused

Bullock	Spears
Kelley	Winfield

### House Bill 336 Set as Special Order

Senator Vick moved that H. B. No. 336 be set as a special order for Thursday, April 19, 1945, immediately following the morning call.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Moffett
Brown	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Weinert
Mauritz	York
Metcalfe	

#### Absent—Excused

Bullock	Spears
Kelley	Winfield

### Senate Bill 319 on First Reading

Senator Lanning moved that the

rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Moffett
Brown	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Weinert
Mauritz	York
Metcalfe	

#### Absent—Excused

Bullock	Spears
Kelley	Winfield

The following bill then was introduced, read first time and referred to the Committee on Finance:

By Senator Lanning:

S. B. No. 319, A bill to be entitled "An Act creating in the Treasury a "Child Welfare Service Fund"; providing for the transfer of the now existing accumulated balance from the "Children's Assistance Fund" to the "Child Welfare Service Fund," and appropriating same to the State Department of Public Welfare; transferring the balance on hand not otherwise allocated or appropriated from the "Children's Assistance Fund" to the "General Revenue Fund"; repealing clause; saving clause; and declaring an emergency."

#### Recess

Senator Aikin moved that the Senate recess to 2:30 o'clock p. m., today.

Senator Lane moved that the Senate adjourn until 10:30 o'clock a. m., Monday, April 16, 1945.

(President in the Chair)

Senator Martin moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion of Senator Lane, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—13

Carney	Moffett
Chadick	Moore
Crawford	Parrish
Knight	Ramsey
Lane	Shivers
Lanning	Taylor
Metcalfe	

## Nays—14

Aikin	Morris
Brown	Stanford
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Martin	Weinert
Mauritz	York

## Absent—Excused

Bullock	Spears
Kelley	Winfield

Senator Moore then moved that the Senate adjourn until 10:35 o'clock a. m., Monday, April 16, 1945.

Yeas and nays were demanded.

The roll was called and the vote was announced: Yeas 13, nays 13.

The President voted "nay," and the motion was lost by the following vote:

## Yeas—13

Carney	Moffett
Chadick	Moore
Crawford	Ramsey
Knight	Shivers
Lane	Taylor
Lanning	Weinert
Metcalfe	

## Nays—14

Mr. President	Mauritz
Aikin	Morris
Brown	Stanford
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Martin	York

## Absent

Parrish

## Absent—Excused

Bullock	Spears
Kelley	Winfield

Question next recurring on the motion of Senator Martin that the Sen-

ate adjourn until 10:00 o'clock a. m., tomorrow, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—8

Hazlewood	Taylor
Martin	Vick
Mauritz	Weinert
Stone	York

## Nays—18

Aikin	Lanning
Brown	Metcalfe
Carney	Moffett
Chadick	Moore
Crawford	Morris
Graves	Ramsey
Jones	Shivers
Knight	Stanford
Lane	Sulak

## Absent

Parrish

## Absent—Excused

Bullock	Spears
Kelley	Winfield

Senator Knight then moved that the Senate adjourn until 10:15 o'clock a. m., Monday, April 16, 1945.

Yeas and nays were demanded and the motion was lost by the following vote:

## Yeas—11

Carney	Metcalfe
Chadick	Moffett
Crawford	Moore
Knight	Ramsey
Lane	Shivers
Lanning	

## Nays—15

Aikin	Stanford
Brown	Stone
Graves	Sulak
Hazlewood	Taylor
Jones	Vick
Martin	Weinert
Mauritz	York
Morris	

## Absent—Excused

Parrish

## Absent—Excused

Bullock	Spears
Kelley	Winfield

Question then recurring on the motion of Senator Aikin that the Senate recess to 2:30 o'clock p. m., today, it prevailed.

The Senate, accordingly, at 12:20 o'clock p. m., took recess to 2:30 o'clock p. m., today.

### Afternoon Session

The Senate met at 2:30 o'clock p. m. and was called to order by the President.

### Committee Substitute House Bill 23 on Passage To Third Reading

The Senate resumed consideration of pending business, same being C. S. H. B. No. 23, relating to gross premium tax on insurance companies, on its passage to third reading, with amendment by Senator Shivers pending.

Senator Graves moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

#### Yeas—10

Carney	Ramsey
Graves	Stanford
Chadick	Stone
Jones	Sulak
Moore	York

#### Nays—12

Aikin	Mauritz
Crawford	Moffett
Hazlewood	Shivers
Knight	Spears
Lane	Taylor
Lanning	Vick

#### Absent

Brown	Parrish
Martin	Weinert

#### Absent—Excused

Bullock	Winfield
Kelley	

#### Paired

Senator Morris (present), who would vote "yea" with Senator Metcalfe (absent), who would vote "nay."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

#### Yeas—13

Aikin	Moffett
Brown	Shivers
Hazlewood	Spears
Knight	Taylor
Lane	Vick
Lanning	Weinert
Mauritz	

#### Nays—11

Carney	Ramsey
Chadick	Stanford
Crawford	Stone
Graves	Sulak
Jones	York
Moore	

#### Absent

Martin	Parrish
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#### Absent—Excused

Bullock	Winfield
Kelley	

#### Paired

Senator Morris (present), who would vote "nay" with Senator Metcalfe (absent), who would vote "yea."

Senator Stanford offered the following amendment to the bill:

Amend Senate committee substitute for H. B. No. 23 as printed by adding after the word "policies" in line 8 on page two the following:

"and such annual statement shall also show the amount of insurance which said organization had in force on December 31 of the preceding year."

and by adding after the word "receipts" in line 58 on page two the following:

"if the report shows such insurance organization did not have as much as Thirty-Five Million Dollars of insurance in force, then its tax shall be five-eighths of one (5/8 of 1) per cent of such gross premium receipts;"

and amend the caption of said bill to conform to this amendment.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

#### Yeas—14

Brown	Chadick
Carney	Crawford



Graves	Morris
Jones	Ramsey
Lane	Stanford
Martin	Sulak
Moore	Vick

## Nays—11

Aikin	Shivers
Hazlewood	Spears
Knight	Stone
Lanning	Weinert
Mauritz	York
Moffett	

## Absent

Parrish	Taylor
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## Absent—Excused

Bullock	Metcalf
Kelley	Winfield

Senator Aikin offered the following amendment to the bill:

Amend House Bill 23 by adding between the word "except" and the word "local" on line 9, page 2 the following: "strictly non-profit."

Senator Sulak moved to table the amendment.

The roll was called and the vote was announced Yeas 13, Nays 13.

The President voted "yea," and the motion to table prevailed by the following vote:

## Yeas—14

Mr. President	Ramsey
Brown	Stanford
Carney	Stone
Chadick	Sulak
Jones	Vick
Lane	Weinert
Morris	York

## Nays—13

Aikin	Mauritz
Crawford	Moffett
Graves	Moore
Hazlewood	Shivers
Knight	Spears
Lanning	Taylor
Martin	

## Absent

Parrish

## Absent—Excused

Bullock	Metcalf
Kelley	Winfield

(Senator Taylor in the Chair)

Question then recurring on the passage of C. S. H. B. No. 23 to third reading, yeas and nays were demanded.

The bill was passed to third reading by the following vote:

## Yeas—20

Carney	Moffett
Chadick	Morris
Crawford	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stanford
Knight	Stone
Lane	Taylor
Lanning	Weinert
Martin	York

## Nays—6

Aikin	Moore
Brown	Sulak
Mauritz	Vick

## Absent

Parrish

## Absent—Excused

Bullock	Metcalf
Kelley	Winfield

## Committee Substitute House Bill 23 on Third Reading

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 23 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—22

Brown	Mauritz
Carney	Moffett
Chadick	Morris
Crawford	Ramsey
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Weinert
Martin	York

## Nays—3

Aikin	Vick
Moore	

## Absent

Parrish	Shivers
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## Absent—Excused

Bullock	Metcalf
Kelley	Winfield

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—22

Brown	Moffett
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stanford
Knight	Stone
Lane	Taylor
Lanning	Weinert
Martin	York

## Nays—5

Aikin	Sulak
Mauritz	Vick
Moore	

## Absent—Excused

Bullock	Metcalf
Kelley	Winfield

Senator Graves moved to reconsider the vote by which C. S. H. B. No. 23 was passed and asked to have the motion to reconsider spread on the Journal.

## House Joint Resolution 10 on Second Reading

The Presiding Officer laid before the Senate, on its second reading and passage to third reading:

H. J. R. No. 10, Proposing an amendment to Article 16 of the Constitution of the State of Texas, by adding thereto Section 62, creating "The Texas State Employees' Retirement Board"; authorizing said Board to provide a system of retirement, disability and death compensation for officers and employees of the State; authorizing the Legislature to provide a Retirement Fund; providing that contributions of the State to said Retirement Fund shall not exceed Ten (10%) per cent of the compensation paid to those eligible to participate in the system; etc., and declaring an emergency."

The resolution was read second time.

Question—Shall the resolution be passed to third reading?

## Message from the House

Hall of the House of Representatives  
Austin, Texas,  
April 12, 1945.

Hon. John Lee Smith, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

S. B. No. 75, A Bill to be entitled "An Act regulating the sale and labeling of livestock medicines; providing for registration with State Health Officer; providing for enforcement; providing penalties; providing a savings clause; allocating fees; appropriating funds; and declaring an emergency."

With Amendments.

S. B. No. 200, Fixing the tax rate in certain independent school districts in this state.

S. B. No. 213, Relative to the estates of minors entering into pooling and unitization agreements covering the interests in mineral rights in lands.

H. C. R. No. 41, Relative to the sale of certain State owned lands near Prairie View Normal and Industrial College.

Respectfully submitted,  
CLARENCE JONES,

Chief Clerk House of Representatives

## Report of Standing Committee

By unanimous consent, Senator Sulak submitted the following committee reports at this time:

Austin, Texas,  
April 12, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your committee on Public Health, to whom was referred H. C. R. No. 34, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

Austin, Texas,  
April 12, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your committee on Public Health, to whom was referred House Bill No. 127, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman

### Adjournment

Senator Moore moved the Senate adjourn until 10:30 o'clock a. m. Monday, April 16, 1945.

Senator Martin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion of Senator Moore, yeas and nays were demanded.

The motion prevailed by the following vote:

### Yeas—14

Carney	Moffett
Chadick	Moore
Crawford	Ramsey
Graves	Shivers
Knight	Spears
Lane	Stanford
Lanning	Taylor

### Nays—12

Aikin	Morris
Brown	Stone
Hazlewood	Sulak
Jones	Vick
Martin	Weinert
Mauritz	York

### Absent

Parrish

### Absent—Excused

Bullock	Metcalf
Kelley	Winfield

The Senate, accordingly, at 3:35 o'clock p. m., adjourned until 10:30 o'clock a. m., Monday, April 16, 1945.

## FIFTY-EIGHTH DAY

(Monday, April 16, 1945)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was

called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Metcalf
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Weinert
Mauritz	Winfield

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 12, 1945, was dispensed with and the Journal approved.

### Leaves of Absence Granted

Senators Kelley, York and Moore were granted leaves of absence for today and Senator Metcalf was granted leave of absence for last Thursday afternoon on account of important business on motion of Senator Winfield.

### Reports of Standing Committees

Senator Chadick submitted the following report:

Austin, Texas,  
April 16, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to which was referred H. B. No. 44, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHADICK, Chairman.

Austin, Texas,  
April 16, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to which was referred H. B. No. 673, have had the same under consideration and I am instructed to report it back to